

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

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**ALEKSEY BREYNIN,**

**Plaintiff,**

**-against-**

**UNITED STATES OF AMERICA,**

**Defendant.**  
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**CIVIL ACTION NO.  
COMPLAINT**

Plaintiff, by and through his attorneys, MARK M. BASICHAS & ASSOCIATES, P.C.,  
as and for a complaint in this action, respectfully show the Court and allege as follows:

1. That ALEKSEY BREYNIN is a resident of the County of Kings and State of New York.
2. This action arises under the Federal Tort Claims Act, 28 United States Code, Sections 2671, et seq., and the Court has jurisdiction pursuant to 28 United States Code, Section 1346 (b).
3. Prior to the commencement of this action, on August 18, 2015, the claim set forth herein was presented to the United States Department of Health and Human Services. By letter dated September 28, 2015, the Department of Health and Human Services acknowledged receipt of the claim.
4. More than six months have elapsed since the claim was first presented and a denial of claims dated February 24, 2016 having been received.
5. The defendant is the sovereign Government.

**AS AND FOR A FIRST CAUSE OF ACTION**

6. Upon information and belief the defendant operated managed and controlled a

clinic located at Federal Bureau of Prison 320 First Street, NW, Washington, DC 20534.

7. Upon information and belief, the defendant employed physicians licensed to practice medicine in the State of New York.
8. At all times hereinafter mentioned defendant, by and through its agents held itself out to the public, and more particularly to the plaintiff ALEKSEY BREYNIN, as possessing the proper degree of learning, skill and medical expertise and that by and through their agents servants and employees they undertook to use reasonable care and diligence in the treatment of plaintiff ALEKSEY BREYNIN.
9. At all times hereinafter mentioned defendant maintained and currently maintains an office for the practice of medicine at Federal Bureau of Prison 320 First Street, NW, Washington, DC 20534.
10. At all times hereinafter mentioned, defendant, by and through their agents, servants and employees held themselves out as possessing the proper degree of learning for the practice of their medical profession, possessing knowledge, skill and abilities of physicians similarly specializing in the community wherein they practice their profession and in rendition of all services in connection with the performance of medical services including but not limited to all procedures surgical and non surgical as well as treatment undertaken, to use reasonable care and diligence to members of the general public including plaintiff ALEKSEY BREYNIN.
11. Defendant, by and through its agents servants and employees, during the course of treatment between August 1, 2014 and March 30, 2015, was negligent, careless

and/or unskilled in that they failed and neglected to properly evaluate conditions manifested by said plaintiff ALEKSEY BREYNIN failed and neglected to exercise that degree of care, caution, prudence, skill, ability, professional knowledge and training generally possessed by physicians, physician assistants, surgeons, nurses and hospitals in the locality or similar localities; in failing to properly supervise the medical care, treatment and services rendered to said plaintiff; in performing useless, unnecessary and contraindicated services; in failing to obtain the necessary consultation; in failing and neglecting to provide adequately and properly trained, experienced and competent medical personnel to treat plaintiff's condition; in failing to take note of or adequately respond to plaintiff's manifested signs, symptoms and complaints; in failing to timely take medical measures to alleviate and/or cure plaintiff's medical conditions; in failing and neglecting to properly promulgate and/or enforce reasonable rules, regulations, standards and policies regarding the medical treatment to be rendered; in failing to properly medicate the plaintiff; in failing to adequately and properly analyze and interpret diagnostic, radiologic and gynecological tests; in failing and neglecting to make adequate medical notation regarding plaintiff's condition and progress; in failing to properly perform necessary operative procedures; in failing to timely perform necessary operative procedures; in negligently and carelessly interpreting diagnostic, radiological and gynecological test results; in failing to advise plaintiff ALEKSEY BREYNIN of alternative treatments; in that they deviated and departed from good and accepted principles of medical practice and was further negligent and unskillful.

12. That as a result of the foregoing, plaintiff ALEKSEY BREYNIN became afflicted with serious, permanent and protracted personal injuries and suffered from irreversible, serious and severe complications, conditions and ailments, and incurred severe pain and suffering and untimely death.

That the aforesaid was occasioned wholly and solely by the carelessness, negligence, unskillfulness and unprofessional conduct of the defendant herein and without any negligence on the part of the plaintiff contributing thereto.

13. As a result of the foregoing, plaintiff ALEKSEY BREYNIN was damaged in the sum of FIFTEEN MILLION (\$15,000,000.00) DOLLARS.

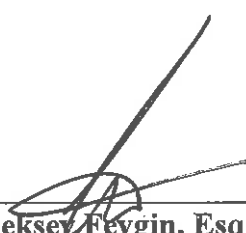
**AS AND FOR A SECOND CAUSE OF ACTION**

14. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "13", inclusive, of the instant complaint with the same force and effect as though fully set forth at length herein.
15. The defendant, by its agents servants and employees failed to make a reasonable disclosure of the material risks and alternatives to the proposed treatment and the proposed benefits therefrom to the plaintiff ALEKSEY BREYNIN.
16. Defendant failed to obtain said plaintiff's informed consent and proximately caused said plaintiff's injuries.
17. As a result of the foregoing, plaintiff ALEKSEY BREYNIN was damaged in the sum of FIFTEEN MILLION (\$15,000,000.00) DOLLARS.

**WHEREFORE**, the plaintiff ALEKSEY BREYNIN prays for judgment for general relief and damages and demand judgment against the defendant United States of America for the sum of

FIFTEEN MILLION (\$15,000,000.00) DOLLARS on the First Cause of Action and FIFTEEN MILLION (\$15,000,000.00) on the Second Cause of Action together with such other and further relief as this Court deems just and proper, with costs and disbursements of this action.

Dated: New York, NY  
March 9, 2016

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By: Aleksey Feygin, Esq.  
**MARK M. BASICHAS & ASSOCIATES, P.C.**  
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